

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8533 of 2005

Between:

V.Ramakrishna S/o.V.kameswara Rao
R/o.16-4-32,Mangalavarapupet Peddapuram, East Godawari District.

..... PETITIONER

AND

- 1 The Divisional Railway Manager
Commercial Branch, South Central Railway Vijayawada.
- 2 The Senior Divisional Commercial manager
South Central Railway, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to May be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not disposing the petitioner's representations dt.16-11-2003 and 25-5-2004 as arbitrary, illegal, and Un-Constitutional and consequently direct the respondents to dispose off the representations dt.16-11-2003 and 25-5-2004 and pass such other order or orders.

Counsel for the Petitioner:MR.V.V.N.NARASIMHAM

Counsel for the Respondents: MR.T.S.VENKATARAMANA

The Court, at the admission stage, made the following :

-

-

-

-

-

-

-

-

-

-

-

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.8533 OF 2005

-

ORDER :

This writ petition is filed by the petitioner to declare the alleged inaction on the part of the respondents in considering the request of the petitioner to accord permission to him to open town booking reservation agency at Peddapuram.

It is stated that the petitioner was granted town booking agency for railway tickets with a limited quota vide proceedings of the 2nd respondent – Senior Divisional Commercial Manager, South Central Railway, dated 2-4-1997. The petitioner was required to sell the tickets at the rates fixed by the railways and he was entitled for the commission fixed by the railways. While so, in the year 1999, prosecution was launched against the petitioner on the allegation that he committed theft of railway tickets and that he was in possession of certain printed reservation tickets as well as filled railway requisition forms. The petitioner was charged with an offence punishable under Section 3(a) of the Railway Property (Unlawful possession) Act, 1966. On the basis of the same, C.C.No.187 of 1999 was taken up on the file of VII-Metropolitan Magistrate for Railways, Vijayawada. However, the said case ended in acquittal and the petitioner was found not guilty for the offence charged by judgment dated 27-06-2003. It appears that after the registration of the

crime, the petitioner was not allowed to continue as the town booking agency. The petitioner states that after acquittal in C.C.No.187 of 1999, he made a representation requesting the 1st respondent to allow him to continue as the agency. It is alleged that the respondents failed to respond and no orders have been passed permitting him to continue the agency so far. Hence, this writ petition.

I have heard the learned Counsel for the petitioner as well as the learned Standing Counsel for Railways Mr. T.S.Venkata Ramana appearing for the respondents.

The learned Standing Counsel points out that though the petitioner was acquitted as long back as in the year 2003, nothing has been placed before this Court to show that the petitioner has made any representations before the respondent requesting to allow him to continue as the town booking agent. He submits that if the petitioner makes a proper representation, the same will be considered by the respondents in accordance with law.

In the circumstances, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to make a proper representation before the respondents. If any such representation is made, the respondents are directed to consider the same and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of such application from the petitioner.

The Writ Petition is accordingly disposed of. No order as to costs.

20th April, 2005.

Note:- CC in a week.

(B/O)

Bcs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Divisional Railway Manager
Commercial Branch, South Central Railway Vijayawada.
- 2 The Senior Divisional Commercial manager
South Central Railway, Vijayawada.
3. 2 CD copies